

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

IN RE DIGITEK®
PRODUCT LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #50
(Revised Deadlines)

In accordance with PTO # 48, lead counsel for the parties met and conferred and submitted to the court written proposals for a revised scheduling order for relevant dates prior to the re-scheduled *Daubert* hearing. The parties were able to reach agreement on certain dates and submitted written explanation and argument on the deadlines which could not be resolved. Having reviewed the proposed changes, I **ORDER** the following revisions to the deadlines previously established in PTO #45:

Company Witness Depositions

The depositions of Defendants' company witnesses shall be concluded by **June 1, 2010.**

Liability Expert Discovery

Plaintiff shall serve their general and case specific expert report(s) in three phases; General Causation Experts **June 5, 2010**; Specific Causation Experts **June 10, 2010**; Liability Experts **June 15, 2010.**

The parties shall complete their depositions of Plaintiffs' experts no later than **July 5, 2010**.

Defendants shall serve their general and case specific expert report(s) no later than **July 10, 2010**.

The parties shall complete their depositions of Defense experts no later than **August 8, 2010**.

Dispositive Motions and *Daubert* motions

All dispositive motions and *Daubert* motions must be filed and served no later than **September 1, 2010**.

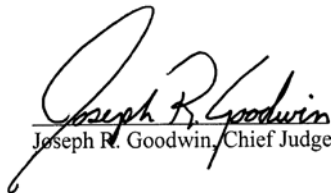
As agreed upon by the parties:

- Fact discovery will be completed in the trial cases no later than **February 3, 2010**.
- All responses to dispositive motions and *Daubert* motions must be filed and served no later than **September 30, 2010**.
- All replies in support of dispositive motions and *Daubert* motions must be filed and served no later than **October 10, 2010**.
- Hearing scheduled by the Court for disposition of all dispositive and *Daubert* motions on **October 13 and 14, 2010**.
- Pretrial Conference for trial cases is scheduled for **December 27, 2010**.
- First Trial Case will begin **January 31, 2011**.

The court **DIRECTS** the Clerk to file a copy of this memorandum opinion and order in

2:08-md-1968 which shall apply to each member Digitek-related case previously transferred to, removed to, or filed in this district, which includes counsel in all members cases up to and including civil action number 2-10-cv-00068. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: January 26, 2010



Joseph R. Goodwin, Chief Judge